
OLR Bill Analysis

sSB 120

AN ACT CONCERNING THE USE OF CHLORPYRIFOS ON GOLF COURSES AND NEONICOTINOIDS FOR NONAGRICULTURAL USE.

SUMMARY

This bill prohibits:

1. using or applying chlorpyrifos (a) on golf courses or (b) for cosmetic or nonagricultural uses and
2. beginning January 1, 2023, selling, possessing, or using pesticides containing any neonicotinoid except for use on an agricultural plant or in pet care, veterinary, personal care, or indoor pest control pesticide products (see BACKGROUND).

Under the bill, for purposes of the neonicotinoid ban, an “agricultural plant” is a plant, or plant part, that is grown, maintained, or produced for commercial purposes, such as for sale or trade, research or experiments, or use (in whole or part) in another location (e.g., grain, fruit, vegetable, wood fiber or timber product, flowering or foliage plant or tree, seedling, transplant, or turf grass for sod). It excludes pasture or rangeland for grazing.

The bill enables the Department of Energy and Environmental Protection (DEEP) commissioner to enforce both bans in accordance with her existing authority under the state’s pesticide control law (CGS § 22a-46 *et seq.*). By law, DEEP regulates pesticide registration, sale, and application, and the certification of pesticide applicators. Among other things, the DEEP commissioner has the authority to do inspections, revoke or suspend certifications, and take court action through the Attorney General. Existing law, unchanged by the bill, subjects those who knowingly violate the pesticide laws to criminal fines of up to \$5,000, up to one year in jail, or both. Violators may also be subject to civil penalties of up to \$2,500 per day that violations continue (CGS §

22a-63).

EFFECTIVE DATE: October 1, 2022

BACKGROUND

AGRICULTURE UNDER § 1-1(q)

The state's general definitions of agriculture and farming include, among other things, soil cultivation, dairying, forestry, raising or harvesting an agricultural commodity, including raising, shearing, feeding, caring for, training, and managing livestock, including horses, bees (honey production), poultry, fur-bearing animals, and wildlife. The terms also include such things as aquaculture; operating or maintaining a farm and its equipment (as part of farming operations); harvesting or producing maple syrup or lumber (as part of farming operations); harvesting mushrooms; hatching poultry; making or maintaining ditches or waterways for farming; and certain actions to market or sell farm products.

CHLORPYRIFOS

Chlorpyrifos is a "restricted use" organophosphate pesticide used mainly to control foliage and soil-borne insect pests. By law, because chlorpyrifos is a restricted use pesticide, it may only be applied by someone certified under state law to do so, or by someone directly supervised by a certified individual. Restricted use pesticides are those classified by the federal Environmental Protection Agency (EPA) or DEEP as they may cause unreasonable adverse health or environmental effects.

There is an ongoing review and assessment of the pesticide's registration. In 2021, EPA issued a final rule revoking the tolerances of chlorpyrifos (i.e., the maximum amount of a pesticide that may remain in or on a food), as of February 28, 2022. The tolerance revocation applies to land and greenhouse food crops and certain commercial livestock uses.

NEONICOTINOID

By law, a neonicotinoid is a pesticide that selectively acts on an

organism's nicotinic acetylcholine receptors (i.e., impacts the nervous system), including clothianidin, dinotefuran, imidacloprid, thiamethoxam, and any other pesticide that the DEEP commissioner, after consulting with the Connecticut Agricultural Experiment Station, determines will kill at least 50% of a bee population when up to two micrograms of it is applied to each bee (CGS § 22-61k).

Neonicotinoids that are labeled for treating plants are "restricted use," meaning that they may only be applied by someone certified under state law to do so, or by someone directly supervised by a certified person (see *Chlorpyrifos*, above). Neonicotinoids are also under EPA review.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 10 (03/04/2022)